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Sent: Monday, January 12, 2015 10:00 AM
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'joleson@BloomingtonMN.gov'
Cc: Markegard, Glen; Eid, Christine
Subject: Motor Vehicle Amendments - More Permissive Option 1-6-15 (2).docx

Mayor and Council Members:

Lupient Automotive Group and Lupient Chevrolet support the attached Option 3 for the proposed implementing amendments for the Penn American District Plan. Option 3 provides the flexibility necessary to allow maintenance and improvement of existing facilities, redevelopment of existing facilities to move closer to District standards, and development of new replacement facilities that comply with District standards. For all the reasons we discussed over the last several months, the dealerships are not going away. If the dealerships are not accommodated in the District Plan, the dealerships will only be an obstacle to achievement of the vision. Option 3 recognizes the existence and value of the dealerships, and allows dealerships to participate in, rather than be an obstacle to, achievement of the vision for the Penn American District.

For the record, we repeat our objections to Option 1 and Option 2 previously presented to the Planning Commission and City Council.

Option 1 is not acceptable to Lupient because it (1) substantially limits expansion opportunities for the existing facility, (2) purports to impose limits on reconstruction of an existing facility after a casualty or taking that may not be consistent with statutory nonconforming use rights, and (3) does not provide a feasible alternative for construction of a replacement facility.

Option 2 is not acceptable to Lupient because, although it purports to make existing auto dealerships "permitted uses," Option 2 would in practice impose stricter limits on modification of nonconforming structures than Option 1 and the statutes.

Both Option 1 and Option 2 unnecessarily exclude Motor Vehicles Sales facilities that otherwise comply with District standards from the District.

With Option 3, the existing dealerships can be a part of and contribute to the development of the Penn American District and achievement of the City's vision.

Lupient Automotive Group and Lupient Chevrolet appreciate your thoughtful consideration of the potential impact of your decision on the future of the Penn American automobile dealerships, their employees, their customers, and their vendors.

Thank you again,

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From: Peter Beck [mailto:peter@peterbecklaw.com]

Sent: Sunday, January 11, 2015 10:36 PM

To: Winstead, Gene; Baloga, Jack; Busse, Tim; Abrams, Cynthia; Oleson, Jon; Carlson, Andrew; Lowman, Dwayne

Cc: Markegard, Glen; Linda McGinty; dick.friedrichs@colliers.com

Subject: Option 3

Mayor Winstead and Councilmembers,

At the January 5 Council meeting we told the Council we would continue to work with staff on the proposed Option 3 and would let the Council know our thoughts before the January 12th Study Session. We did meet with planning staff on January 7th, and received a follow-up email with the final language for Option 3 later that day.

Option 3 as presented to us addresses our concerns with Options 1 and 2 which, for the reasons we have expressed in our earlier letters and testimony to the Council, would prevent Luther from investing in their Penn American properties in a way that advances the City's goals for the area. Option 3 opens a door which makes such an investment possible, although very difficult under current conditions. Our hope is that, by the time Luther needs to come forward with a project in this area, the industry will have advanced to the point where we can propose a development which complies with the design standards for the C-5 District and moves towards the City's FAR goal.

Luther's strong preference is for its Penn American area dealerships to remain zoned C-1 until such time as redevelopment of their properties for residential or other uses is imminent. This has been Luther's position for the past two years, and remains their preference now. However, if the Fiat and Kia properties are to be rezoned to C-5, the text amendments incorporated into Option 3 will provide an opportunity to invest in them in a way that advances the City's design and density goals for the area and keeps the dealerships successful. For this reason, Luther is supportive of the compromise language incorporated into Option 3.

Our thanks to the Planning Commission, Council and staff for the hard work that got us here.

Peter Beck

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